

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

April 6, 2021

1:07 p.m.

MEMBERS PRESENT

Representative Grier Hopkins, Chair
Representative Sara Hannan, Vice Chair
Representative Ivy Spohnholz
Representative Harriet Drummond
Representative Tom McKay
Representative Kevin McCabe
Representative Mike Cronk

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

PRESENTATION(S): SAFETY EVALUATION OF OFF-HIGHWAY VEHICLE USE
IN ALASKA

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

JOE HARDENBROOK, Staff
Representative Grier Hopkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Staff to Representative Hopkins made
committee announcements.

DAVE DONLEY, Deputy Commissioner
Office of the Commissioner
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered committee questions preceding the
presentation, entitled "Safety Evaluation of Off-Highway Vehicle
Use in Alaska".

JENNA WRIGHT, Deputy Director
Division of Motor Vehicles
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered committee questions preceding the presentation, entitled "Safety Evaluation of Off-Highway Vehicle Use in Alaska."

LEON MORGAN, Deputy Commissioner
Office of the Commissioner
Department of Public Safety
Juneau, Alaska

POSITION STATEMENT: Answered committee questions preceding the presentation, entitled "Safety Evaluation of Off-Highway Vehicle Use in Alaska."

GLEND A. LEDFORD, Mayor
City of Wasilla
Wasilla, Alaska

POSITION STATEMENT: Had her written statement read into the record by Chair Hopkins during the hearing on Safety Evaluation of Off-Highway Vehicle Use in Alaska.

DR. NATHAN BELZ
Associate Professor, Civil Engineering
University of Alaska, College of Engineering and Mines
Fairbanks, Alaska

POSITION STATEMENT: Presented a PowerPoint and answered questions during the presentation.

ACTION NARRATIVE

[1:07:14 PM](#)

CHAIR GRIER HOPKINS called the House Transportation Standing Committee meeting to order at 1:07 p.m. Representatives Hannan, Spohnholz (via teleconference), Drummond, McKay, McCabe, Cronk, and Hopkins were present at the call to order.

PRESENTATION(S): Safety Evaluation of Off-Highway Vehicle Use in Alaska

[1:08:14 PM](#)

CHAIR HOPKINS announced that the only order of business would be a presentation on the safety evaluation of off-highway vehicle use in Alaska.

1:09:02 PM

JOE HARDENBROOK, Staff, Representative Grier Hopkins, Alaska State Legislature, informed committee relevant materials were included in packets.

1:10:19 PM

CHAIR HOPKINS said a significant amount of public interest had been generated, including letters to the editor and stories coming from citizens and local government offices throughout the state. He made a note that the meeting was taking place under the auspices of the Administrative Procedures Act, which may limit the questions able to be asked and answered while proposed regulations were still open for comment. Implementation questions were within bounds, but comments on those regulations were not, he offered as an example.

1:12:35 PM

DAVE DONLEY, Deputy Commissioner, Office of the Commissioner, Department of Administration, shared Alaska had one of the highest per capita ownership rates of all-terrain vehicles (ATVs), off-highway vehicles (OHVs), snowmobiles (snow machines), side-by-sides, and other all-purpose vehicles for hunting, fishing, subsistence, and other motorized recreation (also known as ROVs). Other states including Arizona, Idaho, Montana, South Dakota, and Wyoming had provided the owners of some of these with the opportunity of making such vehicles legal on public roads, he shared. It was the goal for Alaskans to be able to travel safely and affordably throughout the state, and as such the proposed regulations would allow Alaskans to operate ATVs as listed above on roads which had speed limits of 45 mph or less, he imparted. Vehicle owners would be required to follow all applicable statutes and regulations while operating on roadways, including being properly licensed and insured, and having the correct equipment, such as headlights, brake lights, and muffler while operating on public roads. Local governments would be able to opt out of the provisions within their jurisdiction, he shared. He emphasized these were draft regulations and public comment was highly encouraged.

1:16:19 PM

REPRESENTATIVE HANNAN noted Deputy Commissioner Donley had listed other states that had legalized ATVs for on-road use.

She asked, "Do you have the dates or length of time that any of those states have allowed that?"

DEPUTY COMMISSIONER DONLEY replied no.

REPRESENTATIVE HANNAN noted a different list from the Department of Transportation & Public Facilities (DOT&PF) said the two agencies did not list the same states. She said she wondered if there were different criteria for analyzing the data. She said the memorandum from the DOT&PF listed "Wyoming with a special permit," and "Washington 35 miles per hour or less." She asked, "So, I was just wondering if your list of Arizona, Idaho, Montana, South Dakota, and Wyoming were ones that were identical to our state regulation proposal."

DEPUTY COMMISSIONER DONLEY replied no other states were identical, mostly because the regulations in Alaska involved snow machines.

REPRESENTATIVE HANNAN observed that the Department of Administration's (DOA's) cover memo stated that local governments would be empowered to opt out. She asked about the timeframe for opting out and whether "[local governments] had to opt out by specific road" or, for example in the Municipality of Anchorage, say everything was in the municipality.

DEPUTY COMMISSIONER DONLEY said under the current system local governments could provide for the legality, and it was not a road-by-road matter unless they chose to make it so.

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JENNA WRIGHT, Deputy Director, Division of Motor Vehicles, Department of Administration, put herself on the record and said she was available for questions.

[1:20:15 PM](#)

LEON MORGAN, Deputy Commissioner, Office of the Commissioner, Department of Public Safety (DPS), put himself on the record and said he was available for questions.

[1:20:52 PM](#)

CHAIR HOPKINS noted OHVs would be operated on the roads. He asked, "Is there a reason the DOT&PF was not included in the

crafting and implementation of these regulations?"

DEPUTY COMMISSIONER DONLEY responded the regulatory process "geared" off what department had jurisdiction over the specific regulation being proposed or amended, and the DOT&PF did not have jurisdiction directly over the issue.

CHAIR HOPKINS said DPS regulations and comment opportunities "appeared to be going through the Alaska Wildlife Troopers." He asked, "Why was it not done through the state troopers and instead done through the Alaska ... [Wildlife] Troopers?"

[1:22:20 PM](#)

DEPUTY COMMISSIONER MORGAN responded there was a cadre of staff and the member of the DPS was the one who was available to assist with aggregating the public comment.

CHAIR HOPKINS asked, "Will that impact ... who will be enforcing these regulations and the rules that are put into place on the highways and roads themselves?"

DEPUTY COMMISSIONER DONLEY responded no, both divisions had fully sworn troopers who enforced all laws in Alaska.

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REPRESENTATIVE HANNAN asked Deputy Commissioner Morgan, "Could you speculate, or do you know right now: of a trooper's workload, how much of it is safety checks for street-legal compliance - lights don't work, blinkers aren't there, those kinds of things - or are those only done by troopers in the course of other stops for other reasons?"

DEPUTY COMMISSIONER MORGAN responded in the past the focus had been on safety checks, but today it was secondary to calls for service.

REPRESENTATIVE HANNAN, in terms of where troopers would have jurisdiction if the regulations were in place, asked, "Would it require additional work for troopers - would you anticipate an increasing trooper workload for enforcement that ATVs were complying with the - and I'm going to use the phrase - 'street legal' requirements of the regulations?"

DEPUTY COMMISSIONER MORGAN replied he didn't know, but the same number of licensed drivers would be on the road, just with different vehicles.

[1:27:03 PM](#)

REPRESENTATIVE SPOHNHOLZ asked Deputy Commissioner Donley, "Why did the administration choose to introduce regulations that would require communities to opt out rather than leaving the issue to local communities?"

DEPUTY COMMISSIONER DONLEY responded the regulation did allow local communities to choose; just changed the presumption from "against" to "in favor of."

REPRESENTATIVE SPOHNHOLZ clarified her question: "Why is it that the administration chose that particular policy call?" She said it is different to go from an opt-in to an opt-out. She said the state's constitution is in favor of local government. She asked, "What was the problem that you were trying to solve that you felt like an opt-out was the better solution than leaving it as an opt-in, as currently?"

DEPUTY COMMISSIONER DONLEY responded there were areas of the state which did not have local government so could not opt out, and there were also groups and individuals requesting this type of initiative.

REPRESENTATIVE SPOHNHOLZ asked, "So, who were the groups and communities that were requesting it?"

DEPUTY COMMISSIONER DONLEY replied he would get information.

[1:29:42 PM](#)

REPRESENTATIVE MCCABE asked, "I'm interested to know if you have an idea of how many center line miles or how many miles of dirt road or gravel road are affected versus paved road?" He said he thinks there is concern that there will be four-wheelers driving on highways, but he said he does not think that is the case. Instead, he said he thinks this has to do with back roads and gravel roads in rural Alaska, such as in his district or in Talkeetna, where someone might want to ride a four-wheeler to the neighbor's house a couple miles down the road on a gravel road rather than a mud ditch. He asked, "So is there a way to tell or sort of differentiate between what we're talking about as far as gravel roads or paved roads and that sort of thing?"

DEPUTY COMMISSIONER DONLEY replied new estimates were available but current regulations were based on speed limits.

DEPUTY COMMISSIONER MORGAN replied 1,900 (of 5,600) road miles would be affected.

CHAIR HOPKINS pointed members to a chart with more information on roads in individual districts.

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REPRESENTATIVE MCCABE observed that 1,900 was fewer than or one-third of roads. He asked, "How many of those 1,900 miles are just gravel roads out in the boondocks?"

CHAIR HOPKINS said the DOT&PF could be asked.

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CHAIR HOPKINS noted his own community of Fairbanks has several 45 mph, fully paved, roads in the urban area. He noted that Fairbanks is a second-class borough that did not have road powers. He asked, "How would a municipality like that be able to opt out if they do not have road powers within their charter or expanded by voters?"

DEPUTY COMMISSIONER DONLEY replied that issues of the like would be raised during the public comment period.

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REPRESENTATIVE SPOHNHOLZ described households with numerous vehicles and speculated how younger members of the household may use an ATV for transportation when the other vehicles were in use by the adults. She asked Deputy Commissioner Morgan, "Was there any kind of assessment done, or a study done, to sort of evaluate the risks associated with that?"

DEPUTY COMMISSIONER MORGAN replied there had not been.

REPRESENTATIVE SPOHNHOLZ commented the "delta" between cost implications and safety needed to be understood. She asked Deputy Director Wright, "How many licensed drivers do we have and how many licensed vehicles do we have?"

DEPUTY DIRECTOR WRIGHT said she would provide the information.

1:38:30 PM

REPRESENTATIVE MCCABE mentioned accidents caused by ATVs and four-wheelers operating illegally on the roads. He wondered if requirements to have lights, signals, headlights, brake lights, helmets, and a license to operate on the road legally would decrease the number of accidents.

DEPUTY COMMISSIONER DONLEY replied a comment would be inappropriate public comment was still open.

REPRESENTATIVE MCCABE said he was waiting to see public comment, but a constituent has said there have been an inordinate number of accidents due to ATVs operating illegally, so having correct regulations may help prevent some of those.

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CHAIR HOPKINS asked what the process of maintaining a license for a snow machine or a hovercraft or a tracked vehicle, to be able to take them on the road.

DEPUTY DIRECTOR WRIGHT replied same as any Class D license: valid permit if under the age of 18, passing score on knowledge test, passing road test in car or truck.

CHAIR HOPKINS concluded that means that there's going to be a written test, so the book will be amended. He asked, "Then is that Department of Motor Vehicles (DMV) employee going to do a ride-along on the snow machine with that individual through the town that would be utilizing those roads?"

DEPUTY DIRECTOR WRIGHT replied implementation analysis needed to be done; there have been some solutions during the COVID-19 pandemic utilizing GoPro technology.

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REPRESENTATIVE CRONK expressed he was also looking forward to hearing public comment and asked what "any emission control system in good working order" meant on a snow machine or ATV.

DEPUTY COMMISSIONER MORGAN replied existing emissions requirements for vehicles on roadways; essentially that there needed to be a working muffler.

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REPRESENTATIVE HANNAN remarked snow machines are currently required to be registered. She asked Deputy Director Wright, "Will there be a different registration for a snow machine that you're trying to make 'street legal' to comply and use with this, versus one that you were never intending to drive on roads, and do we know what that cost be?"

DEPUTY COMMISSIONER WRIGHT replied currently reflective stickers went on snow machines; there would be no difference in cost between stickers and plates.

REPRESENTATIVE HANNAN asked, "Is there is a cost currently to register an ATV, and what will the costs be under these regulations to register an ATV?"

DEPUTY COMMISSIONER WRIGHT replied the pricing structure was the same as snow machines, but ATVs did not currently require registration. If you wanted to take it on the road you would need to register it, she added.

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REPRESENTATIVE SPOHNHOLZ shared she had been driving ATVs since she was a child, and she said it is different from driving a car. She asked Deputy Director Wright, "Did you ever consider creating a special license or a tag for this rather than just saying that a regular street license for a car would be appropriate for this?"

DEPUTY DIRECTOR WRIGHT replied Class D licenses covered ATVs, and snow machines "when it was required;" Class R licenses were for off-highway use and communities which have opted into snow machine ordinances.

REPRESENTATIVE SPOHNHOLZ asked, "Was there any consideration of encouraging people to [utilize class R licenses] rather than using traditional licensing?"

DEPUTY COMMISSIONER DONLEY interjected caution should be exercised in speaking of the draft proposal process.

[1:50:21 PM](#)

CHAIR HOPKINS said he has a Class D license for driving his car. He asked, "Would I have to get a different Class D license to be

able to take my hovercraft onto the roads around Fairbanks, or would I need to go get another separate license to be sure that I have had the training and that I am a good enough hovercraft driver?"

DEPUTY DIRECTOR WRIGHT replied the existing Class D license would cover the driving of hovercraft.

REPRESENTATIVE SPOHNHOLZ said she was concerned about safety as you could go a lot faster in a car, and ATVs and snow machines were driven by kids. One could "take corners" much faster in a car than in an ATV, she offered, and driving the latter was an entirely different animal, she stated, adding that she was in support of living a rural lifestyle but that this proposal was too broad, she said, and not everything had been taken into consideration.

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CHAIR HOPKINS noted that in the proposed regulations, under "13 AAC 40-010(a)", a new paragraph would define what an all-purpose vehicle is. He read the language. He asked, "Can you please comment on what that subsection 30 does not include for what would be qualified as an all-purpose vehicle?"

[1:53:16 PM](#)

DEPUTY COMMISSIONER DONLEY read subsection 30 in reply.

CHAIR HOPKINS replied, "clear as mud."

[1:54:06 PM](#)

REPRESENTATIVE CRONK asked if full coverage insurance would be required, same as driving automobiles.

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REPRESENTATIVE MCCABE said children weren't trained to be drivers except by their parents, so it might not be relevant to talk about safety in statute. "Learn the 'regular' rules of the road, that's the relevant part," he offered.

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CHAIR HOPKINS asked, "Are you required to get a specific motorcycle license and pass a different test to get your motorcycle driver's license?"

DEPUTY DIRECTOR WRIGHT replied yes.

CHAIR HOPKINS asked if there were any different rules for following the rules of the road, or if it were to understand that you can drive a motorcycle safely.

DEPUTY DIRECTOR WRIGHT replied the latter; the knowledge test was no different than any other vehicle.

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REPRESENTATIVE HANNAN, referring to a DOT&PF list of roads in Juneau, asked if any regulations were based not on speed limit but on condition of road. She noted a street in Skagway and one in Haines that were state roads with speed limits of less than 45 mph. She said she can think of many roads where no one would be concerned if an ATV was being operated down a dirt road that connects fields or large, private parcels of land, whereas "driving down Main Street's going to give everyone in the crosswalk a little heartburn." She asked if there were categories of roads besides miles per hour that DOA looked at, because 45 mph without any other qualifiers seemed like "a very large lump" of roads and concerned her regarding not only safety but also the cost to maintain roads that had vehicles such as snow machines running on them. She asked whether there were other ways to group [roads] regarding the issue.

DEPUTY COMMISSIONER DONLEY replied there were traffic count minimum numbers, such as were used to determine whether the mandatory Auto Insurance Act applied or didn't; categories were based on funding, such as the National Highway System.

2:02:27 PM

REPRESENTATIVE DRUMMOND said she is trying to figure out how this will work in Anchorage. She named some roads and said folks who used off-road vehicles lived in the hundreds of miles of residential roads in Anchorage, all of which were under 25 mph. She asked if DOT's regulations were intended to allow traffic on off-road vehicles on residential streets in urban areas like Anchorage or if regulations strictly pertained to DOT-maintained roads.

DEPUTY COMMISSIONER DONLEY replied it would pertain to all Alaska roads and was a reversal of the existing presumption; when operated by a properly licensed individual and insured they would be allowed to operate unless a local government opted out.

[2:04:01 PM](#)

CHAIR HOPKINS asked how it would be addressed in the regulations if a local municipality were not able to opt out.

DEPUTY COMMISSIONER DONLEY replied it would be taken into consideration along with all public comment.

CHAIR HOPKINS, from a question submitted by Representative Prax, asked what sort of liability insurance a driver of an all-purpose vehicle would need to have to operate it legally.

DEPUTY COMMISSIONER DONLEY replied the statute which determined which vehicles must have liability insurance remained unchanged by the regulations.

CHAIR HOPKINS asked for a copy of the statute citation and asked if it include all the definitions under an all-purpose vehicle.

DEPUTY COMMISSIONER DONLEY replied the statue referred to motor vehicles.

[2:06:06 PM](#)

DEPUTY DIRECTOR WRIGHT replied as 20.15.11(b) stated everyone taking control of the vehicle needed mandatory vehicle insurance.

CHAIR HOPKINS asked if that pertained to a specific license, or if that type of liability was required for plowing his driveway or driving to his neighbor's house.

DEPUTY DIRECTOR WRIGHT replied it applied to vehicles driven on roads.

CHAIR HOPKINS asked, "So, I would need to get that ... liability insurance under [AS] 28.15.11(b) before I'm legally allowed to operate an all-purpose vehicle on a roadway?"

DEPUTY DIRECTOR WRIGHT replied that was correct.

[2:07:30 PM](#)

CHAIR HOPKINS, regarding the definition of an all-purpose vehicle, asked, "Are there any weight limits associated with it? For example, can I take my 14,000-pound track vehicle that I use to go hunting and take that on a roadway?"

DEPUTY COMMISSIONER DONLEY said he didn't know; it was in the DOT&PF's purview.

CHAIR HOPKINS asked, "That sounds like there would be regulations under DOT&PF's offices that would be impacted by these new regulations?"

DEPUTY COMMISSIONER DONLEY replied anything that the DOT&PF had for weight limit restrictions would apply to anything being operated on public roads.

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REPRESENTATIVE SPOHNHOLZ noted AS 28.15.11(b) addresses licensing of drivers. She asked, "What's the statute for liability insurance?"

DEPUTY DIRECTOR WRIGHT clarified AS 28.22.11(a)

[2:09:15 PM](#)

GLEND A. LEDFORD, Mayor, City of Wasilla, had her written statement read by Chair Hopkins. The statement [hardcopy included in the committee packet] read as follows [original punctuation provided]:

On behalf of the Mayor Ledford and Chief Smith, the proposed regulation does not make sense in an urban environment such as Wasilla. This would create a huge safety problem with ATV's and Snowmobiles traveling along with passenger vehicles, pickups, and tractor trailers hauling freight and heavy equipment on State roads like the Parks Highway, Palmer-Wasilla Highway, and portions of Knik-Goose Bay Road. Urban centers like Wasilla have high traffic counts and this is an invitation for conflict & accidents. Other State roads in our area that would be affected include Wasilla-Fishhook Road, Bogard Road, Church Road and Old Matanuska Road. The City of Wasilla would certainly seek an ordinance to restrict the use of ATV's &

Snowmobiles on local roads as a safety measure to protect the citizens in our community.

CHAIR HOPKINS stated questions could be submitted until April 18; email could be supplied.

[2:12:06 PM](#)

The committee took a brief at-ease.

[2:12:28 PM](#)

DR. NATHAN BELZ, Associate Professor, Civil Engineering, University of Alaska, College of Engineering and Mines, stated ATVs helped fulfill needs and were far cheaper to ship than vehicles. Related facts about crashes in Kotzebue, Alaska, which had a population of 3,300 in 2013: 604 registered snow machines and 372 registered passenger cars; 25% of all traffic crashes involved ATVs/snow machines; 21 crashes in 2013-2017 involved speeding ATVs on village streets. He shared Off-highway vehicles (OHVs) significantly contributed to the economy from a recreation perspective; yet, from a transportation perspective, 30% of communities were located on a contiguous highway, which accounted for about 80% of residents. He imparted speed limits in Alaska were 55 mph unless posted differently, 61.5% of DOT&PF roads were paved, 31% of all roads in Alaska were paved, and 1900 miles would potentially be affected by proposed changes.

DR. BELZ shared OHV fatalities within the last five years exceeded the goals of the Strategic Highway Safety Plan, developed by DOT&PF. The numbers were increasing as well, and were starting to include bicyclists and pedestrians, he added.

[2:16:58 PM](#)

REPRESENTATIVE MCCABE asked how many accidents took place on roads.

DR. BELZ replied the numbers reflected crashes and traumas resulting from OHV accidents on roadways.

REPRESENTATIVE MCCABE asked if crossing the road counted.

DR. BELZ replied crossing was same if the occurrence took place on the road.

REPRESENTATIVE MCCABE asked if the shoulder of the road and/or ditch counted.

DR. BELZ replied the "on the shoulder" did not include the ditch of the roadway.

[2:19:51 PM](#)

DR. BELZ clarified the Consumer Federation of America defined OHVs and ATVs as having three or four low-pressure tires, a straddle seat for the operator, and handlebars for steering control. Recreational off-highway vehicles (ROVs) were defined as four or more vehicles with low-pressure tires, bench- or bucket-seating for two or more occupants, automotive-type controls for steering, throttle, and braking, rollover protection, occupant restraint, and maximum speed capabilities greater than 30 mph.

CHAIR HOPKINS asked what happened with low pressure tires if you had to slam on the brakes at 45mph.

DR. BELZ replied OHVs typically had deep tread tires, which could act unpredictably, were even prone to coming off the rim, and could likely result in the operator losing control.

DEPUTY DIRECTOR WRIGHT replied she didn't know about tires.

CHAIR HOPKINS asked if DMV had requirements for tire pressure levels.

DEPUTY DIRECTOR WRIGHT said she would follow up.

[2:23:15 PM](#)

REPRESENTATIVE MCCABE asked if there was data to back up tires coming off rims at low pressure because he never had it happen to him.

DR. BELZ replied it was through the Consumer Product Safety Commission (CPSC) and other related agencies, and referenced paved surfaces, not gravel.

REPRESENTATIVE MCCABE asked if CPSC information could be made available.

DR. BELZ replied yes.

[2:25:06 PM](#)

DR. BELZ shared he felt the proposal was dangerous and ill-advised, and shared the grounds on which he made that claim: nationwide, crash and injury data indicated on-road OHV drivers and passengers were twice as likely to incur major trauma as those who were off-road crash victims; on-road OHV fatalities were 77% more likely to involve alcohol, were 44% less likely to involve the operator wearing a helmet; on-road OHV crashes accounted for 60% of all ATV-related deaths; on-road ROV crashes accounted for 69% of all ROV-related deaths, he shared. Alaska had one of the top ten highest ROV-related death rates on public roads, with 28.6 deaths per 100 million people between 2007-2011, and ranked second in US states for number of off-highway vehicle-related fatalities from 2004-2013 when compared with the total number of miles traveled within the state, he added.

[2:27:12 PM](#)

REPRESENTATIVE MCCABE asked if there was a variable for speed.

DR. BELZ replied the statistics did not account for speed.

[2:28:06 PM](#)

REPRESENTATIVE CRONK asked how many people died.

DR. BELZ replied Alaska was in the top 10 highest ATV/OHV-rider-related deaths on public roads.

REPRESENTATIVE CRONK asked what years?

DR. BELZ replied the data was from 2007-2011, and the study was published in 2014 in the Journal of Safety Research.

[2:29:06 PM](#)

REPRESENTATIVE MCCABE asked if the most current was 2014, because it was a bit dated.

DR. BELZ replied there was more recent data as well and he would get to that.

[2:29:54 PM](#)

DR. BELZ shared there were multi-agency summits in the early 2000s to try to address the issue; in 2017 a study on safety of

OHV use in Alaska was conducted. In 2019 Gabriel Fulton and Tristan Sayre, graduate students, helped complete the work, he shared. The study used mixed-methods approach, in which residents were required to register snowmobiles which were driven off private property. Their registration was not required by the DMV, but ATVs with low-pressure tires could be registered as "snow vehicles," he said. Dr. Belz went over borough and city policies on slides 32-33. He noted 13 boroughs currently defaulted to state provisions, five boroughs and eight cities currently had on-road OHV policies, and the policies were each unique in some way from each of the others in terms of time of day, age of operator, helmet use, and more. Alaska Trauma Registry totals were on slides 35-38, he shared: the totals indicated 25% of the 1352 crashes involving ATVs and 18% of the 936 crashes involving snowmobiles throughout the years 2009-2014 took place on highways and roadways, he put forth. The Alaska Trauma Registry also indicated trauma was 5x and 2.5x more likely for OHV and snowmobile operators respectively on roads than on trails and wilderness areas, he stated.

[2:33:28 PM](#)

CHAIR HOPKINS asked how new regulations' implementation impacted plans having to be rewritten or not.

DR. BELZ said he would need to refrain from answering until after the public comment had ended.

[2:34:24 PM](#)

REPRESENTATIVE CRONK stated it seemed to be a rural vs. urban decision, where in the rural areas OHVs, including on roads, were a way of life.

CHAIR HOPKINS agreed; wondered how Fairbanks could opt out, as it was much too urban, whereas somewhere like Toque would choose to opt in.

[2:36:56 PM](#)

REPRESENTATIVE MCCABE noted Alaska was so much further below other states such as Florida, Illinois, and Minnesota in total fatalities, despite OHVs being operated so much more in Alaska, and asked if any variable had been put into place to reflect the amount of time Alaskans spent on OHVs versus the total fatalities.

DR. BELZ said there was no data to reflect the number of hours used by OHVs nor was there available mileage data, as there was for conventional automobiles.

[2:39:24 PM](#)

DR. BELZ went over slides on incidents and fatalities between the years 2013-2017 on slides 39-42. The DMV report indicated there were 255 OHV and snowmobile incidents on highways and roadways throughout 2008 and 2012, he put forth. During the 2008 and 2012, 30% of incidents resulted in serious injury or fatality, 17% involved operators aged 16 or younger, and 40% occurred at intersections, he stated. Between 2013-2017, there were 227 incidents, 40% resulting in serious injuries, 20% involved operators aged 16 or younger, and 30% took place at intersections, he shared. Throughout 2009 - 2017, the highest crash densities were in the smaller communities, he pointed out, referencing slide 42. He shared screenshots of OHV/ATV news in national media in 2017-2018, which he shared on slides 43-45. He shared graduate student Tristan Sayre's project summarized on slides 50-54, in which still images and videos were used to analyze OHV operator safety.

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REPRESENTATIVE MCCABE asked about the pictures, because some operators appeared to be traveling on trails and some in ditches.

DR. BELZ replied some were using the road lawfully while some others were not.

DR. BELZ imparted the proposed changes were directly contrary to the Alaska Strategic Highway Safety Plan developed by the DOT&PF, stakeholders, and the Alaska State Troopers. He said Troopers were not able to pursue an OHV if the operator were to flee from a traffic stop, which was problematic. He shared The Specialty Vehicle Institute of America stated "ATVs are intended for off-road use only. Never operate an ATV on public roads, and always avoid paved surfaces. ATVs are not designed for use on public roads..." and the Consumer Federation of America coalition members have signed onto over 230 letters in 26 states since 2014 advocating against legislation to allow OHVs on roads as they "are not designed for roadway use and therefore should not be allowed on public roads."

[2:49:46 PM](#)

REPRESENTATIVE MCCABE asked how many fatalities would have been prevented if helmets had been worn.

DR. BELZ said he couldn't comment on the crashes that might have been prevented specifically, but over 40% of fatalities indicated no helmet was worn at the time of the incident.

REPRESENTATIVE MCCABE asked if drivers had been wearing a helmet and proper clothing would they have been okay and commented there were too many variables in the study.

CHAIR HOPKINS asked if Representative McCabe would like to see regulations put forward for a mandatory helmet law.

REPRESENTATIVE MCCABE replied he wore a helmet.

CHAIR HOPKINS replied he was glad about that.

REPRESENTATIVE MCCABE asked whether part of the issue was having such a generic term; that many OHVs were safer than others.

CHAIR HOPKINS replied that was part of the problem.

[2:54:31 PM](#)

DR. BELZ seconded Representative McCabe in that the nature and design had changed markedly since ATVs/OHVs were referred to as such, and the generic definition was a problem. It was why the distinction between ATVs and ROVs existed within OHVs, he stated. It was still true, he added, however, none of them were recommended on roads, especially on paved roads, for all the other reasons already mentioned.

CHAIR HOPKINS asked if there was confusion between the definitions and acronyms.

DR. BELZ replied yes, snow machine/snowmobile, e.g.; more would be addressed through the public comment period.

[2:56:37 PM](#)

REPRESENTATIVE HANNAN asked about the Alaska State Trooper regulations regarding pursuit and enforcement, and if they would change.

CHAIR HOPKINS added the DPS would be made aware of the question.

[2:58:09 PM](#)

DR. BELZ though we would most people would appreciate the new freedom, as a transportation professional it was clear Alaska had a safety issue regarding the law, and safety advocates agreed.

[2:59:24 PM](#)

REPRESENTATIVE CRONK asked for a breakdown and whether alcohol was involved.

DR. BELZ replied 2014-2017 20.4% of documented crashes involved operators under the age of 16, 30.5% involved operators between the ages of 16-25, and alcohol was suspected in 22% of the incidents.

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[3:02:21 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 3:02 p.m.